

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAUL M. HUMPHREY,	:	
	:	
Petitioner,	:	Case No. 3:11-cv-363
	:	
vs.	:	
	:	
	:	JUDGE WALTER HERBERT RICE
PHIL PLUMMER, Sheriff,	:	
Montgomery County, Ohio	:	
	:	
Respondent	:	

DECISION AND ENTRY OVERRULING PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #4); ADOPTING REPORT AND RECOMMENDATIONS (DOC. #3); DENYING "MOTION FOR HABEAS CORPUS" WITHOUT PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, filed October 20, 2011 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said judicial filing is adopted in its entirety. Petitioner's objections (Doc. #4) to said judicial filing are overruled, and his "Motion for Habeas Corpus" (Doc. #1) is denied without prejudice.

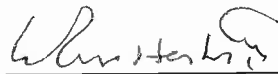
Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be

debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered accordingly, in favor of Respondent and against Petitioner, denying Petitioner's "Motion for Habeas Corpus" without prejudice.

This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: December 9, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to: Petitioner